

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 4-5, 12-13, 20-21, 29-30, and 58 are cancelled. Claims 1-3, 6-11, 14-19, 22-28, 31-52 and 59 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

Claims 26, 40, and 45 have been amended solely to have the claims better conform to the requirements of U.S. practice. None of these amendments is intended to narrow the scope of any of these claims, and no new matter has been added by these amendments.

In the Office Action, claims 1-3, 6-11, 14-19, 22-28, 31-52 and 59 were rejected under 35 U.S.C. § 102(e) as being anticipated by Fernandez (U.S. Patent No. 6,922,664). Applicants submit that the claims are patentably distinguishable over the relied on sections of Fernandez.

As an example, claim 1 recites:

multiplexing the stream of data packets with corresponding portions of the detected bio-information by inserting a respective portion of the detected bio-information adjacent to at least one data packet that is concurrent with that portion of the bio-information[.]

(Emphasis added.) The relied on sections of Fernandez do not disclose or suggest inserting a respective portion of the detected bio-information adjacent to at least one data packet that is concurrent with that portion of the bio-information.

The Examiner contends that "Fernandez et al. disclose generating digital packets from the bio-information signals collected by biometric sensor array 50" and relies on column 4 lines 8-12 of Fernandez. However, the relied on section of Fernandez actually discloses:

Thus, such intelligently determined conditions may be generated as more concise findings, flags, warnings, or other indications provided as feedback,

preferably in digital packet, datagram, frame, or other capsulized format, through interface 80 for network access, for example, to serve as input values to simulator module 90 for fantasy gaming application, or communication module 94 for video-conferencing application.

(See col.4 11.8-15, emphasis added.) Namely, Fernandez describes that digital packets of intelligently determined conditions are generated and that such intelligently determined conditions may be generated as more concise findings, flags, warnings, or other indications provided as feedback. Such intelligently determined conditions are not considered collected bio-information signals. As Fernandez further describes:

Optionally, interface 80 may provide sensor feedback data signal through network 10 according to one or more established or known network or bus interface standards, such as IEEE 1451 standard for interfacing to smart sensors.

(See col.4 11.15-19, emphasis added.) Namely, the biometric sensor feedback data signal is provided optionally by the interface 80 and is not the same as the intelligently determined conditions.

The Examiner further contends that "Fernandez et al. disclose real-time exchange of live video between clients for the multi-sensor signals wherein real-time exchange requires that bio-information packets are transmitted with the audio and video information" and relies on column 7 lines 1-9 of Fernandez. Actually, the relied on section of Fernandez discloses:

...For example, communication module 96 may be embodied in a video-conferencing system configured between two or more networked computers for effectively real-time exchange of images or live video between communicating client or peer parties. In one embodiment, such communication functionality operates by transmitting and/or receiving, among other things, multi-sensor signals to enhance communication

experience, as generated according to present disclosure.

(See col.4 ll.15-19.) The relied on section does not disclose or suggest that a respective portion of the detected bio-information is inserted adjacent to at least one data packet that is concurrent with that portion of the bio-information.

The Examiner nonetheless argues that "real-time exchange requires that bio-information packets are transmitted with the audio and video information". However, the transmission of bio-information packets with audio and video information does not require that a portion of detected bio-information be inserted adjacent to concurrent data packets and, in fact, such transmission of bio-information packets and audio and video information may be carried in various different ways. Hence, inserting a respective portion of detected bio-information adjacent to at least one data packet that is concurrent with that portion of the bio-information is neither inherent to such real-time transmission nor obvious.

It follows, for at least the above reasons, that the relied on sections of Fernandez do not disclose or suggest the combination defined in claim 1 and therefore do not anticipate the claim.

Independent claims 9, 17, 26, 35, 40, 45, 50, and 55 each call for features similar to those set out in the above excerpt of claim 1. Each of these claims is therefore patentably distinguishable over the relied on sections of Fernandez for at least the reasons set out above regarding claim 1.

Claims 2-3 and 6-8 depend from claim 1, claims 10-11 and 14-16 depend from claim 9, claims 18-19 and 22-25 depend from claim 17, claims 27-28 and 31-34 depend from claim 26, claims 36-39 depend from claim 35, claims 41-44 depend from claim 40, claims 46-49 depend from claim 45, claims 51-54 depend

from claim 50, and claims 56-57 and 59 depend from claim 55. Therefore, each of these claims is distinguishable over the relied on sections of Fernandez at least for the same reasons as the claim from which it depends.

Accordingly, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 102(e).

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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